



*State of North Carolina
Department of the Secretary of State*

ELAINE F. MARSHALL
SECRETARY OF STATE

OZIE STALLWORTH, DIRECTOR
NOTARY ENFORCEMENT SECTION

January 25, 2019

Via Certified Mail

DEAN MIZNER

Privacy Redaction

Re: Notary Complaint File #2011-NP-0575

Dear Ms. Mizner:

The Department of the Secretary of State issued an Order of Revocation on August 31, 2018, revoking your Notary Public Commission. The Department hereby rescinds the Revocation Order of August 31, 2018 in its entirety and in place thereof enters the attached Suspension Order.

Your Notary Public Commission will be suspended for four (4) months beginning August 31, 2018 and you are also required to complete the Notary Public Course. Enclosed are the Order of Suspension and Proof of Class Form which must be presented to the instructor **prior to the start of class** which will assist the instructor in making sure you have a thorough understanding of the General Statute(s) you violated. Please send the Department of Secretary of State the enclosed Proof of Class form signed by your instructor after completion of that course.

For additional assistance, please contact Beverly Champion by telephone at 919.814.5462 or by e-mail at bchampion@sosnc.gov.

Sincerely,

A handwritten signature in cursive script, reading "Ozie Stallworth".

Ozie Stallworth, Director
Notary Enforcement Section
Certification & Filing Division

OS:bc

Enclosure

cc: Lenoir County Register of Deeds

STATE OF NORTH CAROLINA



Department of The Secretary of State

IN THE MATTER OF:

**ORDER OF SUSPENSION OF
NOTARY PUBLIC COMMISSION
FILE NO. 2011-NP-0575**

DEAN MIZNER

The Department of the Secretary of State issued an Order of Revocation of Notary Public on August 31, 2018 revoking the commission of DEAN MIZNER to act as a Notary Public. The Department hereby rescinds the Order of August 31, 2018 in its entirety and in place thereof enters the following as its Order herein:

WHEREAS, at all times relevant herein, DEAN MIZNER held a valid commission as a North Carolina Notary Public; and

WHEREAS, the Department received a complaint in August 2011 concerning the performance of a certain notarial act by DEAN MIZNER; and

WHEREAS, following an investigation of the aforesaid complaint, the Department of the Secretary of State determined that DEAN MIZNER notarized a document without the personal appearance of the principal, which is a violation of North Carolina General Statute §§10B-20(c)(1) and 10B-60(c)(1) and 18 North Carolina Administrative Code 07B.0904(b)(7); and

WHEREAS, N.C. Gen. Stat. §10B-20(c)(1) states, "A notary shall not perform a notarial act if any of the following apply:

- (1) The principal or subscribing witness is not in the notary's presence at the time the notarial act is performed"; and

WHEREAS, N.C. Gen. Stat. §10B-60(c)(1) states, "A notary shall be guilty of a Class 1 misdemeanor if the notary does any of the following:

- (1) Takes an acknowledgment or administers an oath or affirmation without the principal appearing in person before the notary"; and

WHEREAS, 18 N.C.A.C. 07B.0904(b)(7) states, "Offenses relating to failure to meet the statutory requirements for a complete and lawful notarial act include:

- (7) Failure to require personal appearance;" and

WHEREAS, the Department of the Secretary of State has determined that the aforesaid actions of DEAN MIZNER constitute official misconduct as defined by N.C. Gen. Stat. §10B-3(15); and

WHEREAS, N.C. Gen. Stat. §10B-60(a) states that the Secretary of State may suspend a notarial commission for a violation of Chapter 10B; and

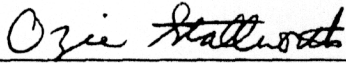
UPON CONSIDERATION of all of the evidence available, the Department determined that the interests of the public will be best served by the suspension of the Notary Public Commission of DEAN MIZNER;

IT IS THEREFORE ORDERED that the commission of DEAN MIZNER shall be **SUSPENDED** for a period of four (4) months beginning August 31, 2018 and that DEAN MIZNER successfully complete the educational course of study and examination required by N.C. Gen. Stat. §10B-8(a) prior to performing any further notarial act. At the expiration of the four month period of suspension, and upon presentation to the Department of satisfactory proof of completion of the educational course of study and examination, DEAN MIZNER may resume performing notarial acts under her current commission.

WITNESS MY HAND this 25th day of January, 2019, *nunc pro tunc* August 31, 2018.

ELAINE F. MARSHALL
SECRETARY OF STATE

BY:


Ozie Stallworth, Director
Notary Enforcement Section
Certification and Filing Division



State of North Carolina
Department of the Secretary of State

ELAINE MARSHALL
SECRETARY OF STATE

OZIE STALLWORTH, DIRECTOR
NOTARY ENFORCEMENT SECTION

TO: DEAN MIZNER

FROM: North Carolina Secretary of State
Notary Public Enforcement Section
Certification & Filing Division

SUBJECT: Proof of Successful Completion of Notary Class

As a condition of an Administrative Action or Court Order against your North Carolina Notary Public Commission, you were requested to attend a Notary Public class in one of the community colleges in our State. After you have successfully completed the class, have your instructor sign, date, and enter your grade for the class on this form. It is your responsibility to return this completed form to

N.C. Department of the Secretary of State
Notary Public Enforcement Section
P.O. Box 29626
Raleigh, NC 27626-0626

INSTRUCTOR

I, _____, a Notary Public Instructor for
(printed or typed name of instructor)

_____ Community College, hereby certify that
(name of community college)

_____ successfully completed my class on
(printed or typed name of student)

_____ and he or she made a passing grade of _____ and I have reviewed

the General Statutes specified in the letter of Notification of Sanction with the notary :

☐ As part of class discussion ☐ Individually

Notary Public Instructor's Signature*

Date

* Signature does not need to be acknowledged by a notary.